

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Wayne Vawter v Macomb Circuit Court**  
Docket No. **268201**  
L.C. No. **91-004406-DM & 2005-002276-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The complaint for superintending control is DISMISSED for lack of jurisdiction because a complaint for superintending control cannot be used as a substitute for an appeal. See MCR 3.302(D)(2). For example, the plaintiff cannot challenge the issuance of a bench warrant because that is appealing the issuance of that order. The only legitimate purpose in filing a complaint for superintending control is when a circuit court refuses to act, not when plaintiff is unhappy with how the court has acted.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 7 2006

Date

*Sandra Schultz Mengel*

Chief Clerk